

LEAD DISCLOSURE RULE (1018) INSPECTION REPORT

I. FACILITY: 2523-13, LLC
1502 27th Street NW
Washington, DC 20007
202-674-3744
issbooks@aol.com

Paul J. Ruge Jr.
4/13/2020

II. DATE OF INSPECTION: March 4, 2020

III. EPA INSPECTORS: Paul J. Ruge Jr. SEE SSAI
Michael Wade (Trainee) SEE SSAI

IV. EPA REGION III, ENFORCEMENT & COMPLIANCE ASSURANCE DIVISION, TOXICS SECTION

- Carol Amend, Chief, Air, RCRA & Toxics Branch
- Aquanetta Dickens, Chief, Toxics Section /for *Christine Convery* 4/23/2020

V. PURPOSE OF INSPECTION:

The EPA conducted an inspection on March 4, 2020 of 2523-13, LLC, in response to a tip/complaint received from (b) (6)(b) (6) alleging 2523-13, LLC's failure to provide proper disclosure before being obligated under a lease contract. The tip/complaint was received by the EPA on January 27, 2020 via email and January 31, 2020 from the EPA RAV System. The inspection was performed in order to determine 2523-13, LLC's level of compliance with the Lead Disclosure Rule under Section 1018 of the Residential Lead-Based Hazard Reduction Act of 1992.

VI. BACKGROUND INFORMATION:

On February 20, 2020, EPA sent an Inspection Notification Letter via UPS to 2523-13, LLC to set up an inspection to determine 2523-13, LLC's level of compliance with the Real Estate Notification and Disclosure Rule. 2523-13, LLC contacted Inspector Ruge on February 23, 2020 and February 24, 2020 via email. The time, and location were confirmed. The date was changed to March 4, 2020 per 2523-13, LLC's request.

Background About the Alleged Violator

According to Dun & Bradstreet, 2523-13, LLC employs an undisclosed number of individuals, has an undisclosed annual revenue, and has been a rental property owner since 2011.

Background About the Complainant

The tip/complaint was received from (b) (6)(b) (6) on January 27, 2020 alleging 2523-13, LLC's noncompliance with the Real Estate Notification and Disclosure Rule. (b) (6)(b) (6) is a tenant at 1807 Biltmore St. NW, Washington, DC 20009. On January 30, 2020, Inspector Ruge talked to (b) (6)(b) (6) via phone. (b) (6)(b) (6) stated that she was a tenant at 1807 Biltmore St. NW, Washington, DC 20009, a building with seven apartments; and had lived there prior to the new owners, 2523-13, LLC, purchasing the building and managing the leases of the apartments. She stated that her lease had continued on a month to month basis as no new lease had been written for her apartment. (b) (6)(b) (6) stated that she had not been given a lead disclosure form with her original lease and had not been given a lead disclosure form when 2523-13, LLC had purchased the property which included her apartment.

(b) (6)(b) (6) stated that the new owners, 2523-13, LLC, had replaced some windows in the building, including her apartment, and dust had spread throughout her apartment. She stated that she had the dust tested and the results had confirmed lead in the dust. (See District of Columbia Department of Energy and Environment Administrative (DOEE) Order dated 4/4/2019 in file)

(b) (6)(b) (6) stated that she knew of new tenants that had leased and moved in after the Washington, DC DOEE inspection and also had not been issued lead disclosure statements with their lease. On January 31, 2020, EPA sent out a declaration form to (b) (6)(b) (6) requesting (b) (6)(b) (6) to provide written testimony regarding the violations observed and any other information to support her allegations. The EPA also sent a blank declaration form that could be completed by any of the new tenants she referred to.

In response to EPA's written request, on February 11, 2020, (b) (6)(b) (6) tenant, submitted a signed declaration form, copy of his lease dated July 29, 2020, and a copy of a lead inspection report dated October 17, 2020.

On February 18, 2020, (b) (6)(b) (6) tenant, submitted a signed declaration to Inspector Ruge via email. (b) (6)(b) (6) disclosed that a child born (b) (6)(b) (6) resided with her.

Information About the Property Where Alleged Violation Occurred

The violation is alleged to have occurred at 1807 Biltmore St. NW, Washington, DC 20009. The latitude/longitude coordinates for this property address are 38.922613/-77.043611 according to <http://itouchmap.com/latlong.html>. According to RealQuest, this property was built in 1918. According to the District of Columbia DOEE there have been no known reports of elevated blood lead levels for this property address.

VII. OPENING CONFERENCE

On March 4, 2020 at approximately 10:00 AM, Inspector Ruge and Inspector Trainee Michael Wade arrived at the offices of 2523-13, LLC to conduct an inspection to determine 2523-13, LLC's level of compliance with the Lead Disclosure Rule. Upon arrival, Inspector Ruge and Inspector Trainee Wade introduced themselves, presented their credentials to Robert Enzel, Partner, and Jacob Aquino, Property Manager, and explained the purpose of the visit. The inspector asked Mr. Enzel if he was the person authorized to give consent to the inspection. Mr. Enzel stated that he was, in fact, the appropriate person to consent to the inspection and sign on behalf of the company.

Once this was established, Inspector Ruge presented and explained the Notice of Inspection Form to Mr. Enzel and both the inspector and Mr. Enzel signed the form. Next, Inspector Ruge presented and explained the Confidential Business Information Form to Mr. Enzel and Mr. Enzel signed the form. No questions were asked about the forms.

After these forms were presented and signed, Inspector Ruge proceeded to explain that the purpose of the inspection was to determine 2523-13, LLC's level of compliance with the Real Estate Notification and Disclosure Rule. Inspector Ruge also indicated that, as part of the inspection, he would be requesting to see leases and/or agreements of sale for pre-1978 properties leased and/or sold as requested in the inspection confirmation letter sent out on February 20, 2020. Inspector Ruge stated that he would be randomly selecting and scanning a percentage of these leases and/or agreements of sale as well as the agreement specifically asked for in the notification letter.

Mr. Enzel stated that his firm had been in business for approximately four years and was primarily a property rental company operating in the Washington, DC area with a gross annual revenue of approximately \$350,000. He stated that he has a partner, Vincent Aquino, and that his company goes by no other name or has any d/b/a's.

Inspector Ruge asked Mr. Enzel if he was familiar with the Lead Disclosure Rule under Section 1018 of the Residential Lead-Based Hazard Reduction Act of 1992. Mr. Enzel stated he was “a little bit” familiar with the rule.

Mr. Enzel stated that he rented three pre-1978 constructed residential properties; 1807 Biltmore St. NW, Washington, DC 20009, 5740 13th St. NW, Washington, DC 20011, and 3453 14th St. NW, Washington, DC 20010. He stated that 1807 Biltmore St. NW had seven units, 5740 13th St. NW had five units, and 3453 14th St. NW had six units, for a total of eighteen units of which all units were rented at the time of the inspection.

Mr. Enzel stated that EJP Real Estate Services, Inc., 1428 U St. NW, Washington, DC 20009 was the contracted property management firm for 5740 13th St. NW and 3453 14th St. NW (contract in file).

Mr. Enzel stated that Jacob Aquino was the property manager for 1807 Biltmore St. NW, Washington, DC 20009. He stated that Mr. Aquino answered the complaints and concerns of the tenants and collected the rent checks. He stated that Mr. Aquino had no written contract for his services, and received a 1099 at the end of the year for his earnings.

Mr. Enzel stated that the District of Columbia Department of Energy and Environment had conducted a property management file review of 1807 Biltmore St. NW, Washington, DC 20009 and had issued Administrative Order No. DOEE-20-L-50001978 concerning certain deficiencies in relation to 1807 Biltmore St. NW (in file) which he presented to Inspector Ruge.

VIII. REVIEW OF FILES/AVAILABLE DOCUMENTS:

Based on the number of units leased, Inspector Ruge randomly selected a total of five leases to be scanned for review. The list of property addresses along with the year built, and lease dates are listed below:

LEASES:

	<u>ADDRESS</u>	<u>LEASE DATE</u>	<u>YR BLT</u>
1.	1807 Biltmore St. NW, Apt. 1, Washington, DC 20009	11/12/2019	1918
2.	1807 Biltmore St. NW, Apt. 1A, Washington, DC 20009	6/4/2018	1918
3.	1807 Biltmore St. NW, Apt. 2, Washington, DC 20009	5/8/2019	1918
4.	5740 13 th St. NW, Apt. 1A, Washington, DC 20011	8/19/2019	1953

5. 3453 14th St. NW, Apt. 5, Washington, DC 20010 9/2/2019 1909

LOCATION OF LEASE PROPERTIES

<u>ADDRESS</u>	<u>GPS COORDINATES</u>
1. 1807 Biltmore St. NW, Washington, DC 20009	38.922613/-77.043611
2. 5740 13 th St. NW, Washington, DC 20011	38.959700/-77.029926
3. 3453 14 th St. NW, Washington, DC 20010	38.933551/-77.032382

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3. The latitude/longitude coordinates for this property address are according to <http://itouchmap.com/latlong.html>. According to RealQuest Professional, this property was built in 1918. According to the District of Columbia DOEE there have been no known reports of elevated blood lead levels for this property address.

Inspector Ruge observed that upon reviewing the five Lease contracts collected, none of the contracts contained an appropriately executed and signed lead disclosure statement as required by the Lead Disclosure Rule.

IX. CLOSING CONFERENCE

After all transaction documents were copied and recorded on the Receipt for Documents form, Inspector Ruge provided a copy of the Receipt for Documents to Mr. Enzel which Mr. Enzel signed. Inspector Ruge provided Mr. Enzel with a compliance assistance package and briefly explained its contents. Inspector Ruge asked Mr. Enzel if he had any additional questions. Mr. Enzel was concerned about when he might hear from the EPA. Inspector Ruge stated he had to write a report and submit it to the EPA case development officers. No time frame was given.

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Inspector Ruge and Inspector Trainee Wade thanked Mr. Enzel and Mr. Aquino for their time and left the premises of 2523-13, LLC at approximately 1:00 PM.